

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.:	7,534,271)	
)	
Serial No.:	10/763,314	Confirmation No. 6544)
)
Applicants:	Michael Ries, et al.) Group Art
) Unit: 3738
Filed:	January 22, 2004)
)
For:	FEMORAL HIP PROSTHESIS AND METHOD OF)
	IMPLANTATION)
Examiner:	Snow, Bruce E.		
Docket No.:	MLI-10		

REQUEST FOR CERTIFICATE OF CORRECTION

Commissioner For Patents
Office of Patent Publication
ATTN: Certificate of Correction Branch
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a request for a Certificate of Correction under 35 U.S.C. 254 for the above-referenced issued patent. Form PTO/SB/44 is submitted herewith. The USPTO is authorized to charge any deficiencies or credit any overpayments for this request to Deposit Account No. 50-3352.

Agent is acting at the request of the patentees, Michael Ries, Wade Fallin, Daniel F. Justin, and Mark A. Munt.

This request is to correct an error in issued patent 7,534,271, which error was incurred through the fault of the Patent and Trademark Office. Specifically, sixteen allowed claims were left off of the issued patent. This error came to the attention of the Agent on May 18, 2011. Following is a listing of the facts as understood by the Agent.

Application 10/763,314 was issued a Notice of Allowability on January 12, 2009, attached hereto as exhibit 'A'. The Notice of Allowability sets forth the allowed claims as 1-10, 12-18, 20, 40-57. This listing of allowed claims is in agreement with a decision rendered by the Board of Patent Appeals and Interferences on December 12, 2008.

The patent was issued on May 19, 2009. In the issued patent, only 20 claims are listed, which claims correspond to claims 1-10, 12-18, 20 and 43-44 as listed in the List of Claims on Appeal in both the Appeal Brief filed in this case on 4/30/2007, and the Supplemental Appeal Brief filed on 8/20/2007. The sixteen remaining claims (40-42, 45-57) which were indicated as allowed do not appear on the issued patent.

Allowed claims 40-42 and 45-57 were left off the issued patent through an error of the Patent and Trademark Office. Patentees request that a Certificate of Correction be issued which corrects the error by adding the missing sixteen claims. Below is a chart which lists all allowed claims with their original numbering, and as they should be finally renumbered:

Final	Original Claim Number
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
(cancelled)	11
11	12
12	13
13	14
14	15
15	16
16	17
17	18
(cancelled)	19
18	20
(cancelled)	21 through 39
21	40

Final	Original Claim Number
28	41
33	42
19	43
20	44
22	45
23	46
24	47
25	48
26	49
27	50
29	51
30	52
31	53
32	54
34	55
35	56
36	57

The accompanying Form PTO/SB/44 requests the insertion of the sixteen allowed but missing claims. They have been renumbered as listed in the chart above.

If there are any remaining issues preventing issuance of a Certificate of Correction, the Office is respectfully requested to contact the undersigned.

Dated this 19th day of May 2011.

Respectfully submitted,

/Barbara Daniels/

Barbara Daniels
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Notice of Allowability	Application No.	Applicant(s)	
	10/763,314	RIES ET AL.	
	Examiner	Art Unit	
	Bruce E. Snow	3738	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to BPAL Decision dated 12/12/08.

2. ☒ The allowed claim(s) is/are 1-10, 12-18, 20, 40-67.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____

7. ☐ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____

/Bruce E. Snow/
Primary Examiner, Art Unit 3738